REMARKS/ARGUMENTS

Claims 14-33 have been examined. Claims 14-19, 21-26, and 28-32 have been rejected. It is noted with appreciation that claims 20, 27, and 33, although objected to, have been indicated as being directed toward allowable subject matter. Claim 29 is amended to correct a typographical error. Claims 15, 22, and 31 have been amended for clarification. Claims 1-13 were previously withdrawn. Accordingly, claims 14-33 are now pending. Reconsideration and allowance of all pending claims are respectfully requested.

The undersigned thanks the Examiner and her supervisor Sue Lao for their time and courtesy in the interview of October 6, 2004. The below text incorporates the substance of the points discussed in that interview. It is believed that progress was made in clarifying the relationship of the Rozario reference in particular to the pending claims.

Claims 14 and 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,253,262 issued to Rozario ("Rozario" hereinafterin view of U.S. Patent No. 5,115,499 issued to Stiffler, et al. ("Stiffler" hereinafter). It is respectfully submitted that claims 14, 21, and 30 recite features neither disclosed nor suggested by the Rozario and Stiffler references and that the rejection should be withdrawn.

For example, claims 14, 21, and 30 recite that data is both read from a memory device and that said data is transferred to a next lower priority list "*without movement between storage cells.*" By contrast, in the buffer 102 of Rozario, 1) there is no movement of data between the priority lists and 2) individual data items actually move between storage cells as they progress toward being output from the buffer. The movement of data within buffer 102 is explained at column 8 lines 26-52 and at column 2. Data shifts to the right to progress toward the buffer output. Data may also shift to the left if low priority data must make room for a new high priority data item. In no case does a high priority data item move to the other priority list as required by claims 14, 21, and 30 or move at all without shifting between storage cells as also required by claims 14, 21, and 30.

Claims 14, 21, and 30 further recite that after reading and transferring to the lower priority list, the data is maintained on the lower priority list in the memory device. This puts these claims in even greater contrast to the Rozario patent where data read from the memory device is no longer available, having been shifted out of the memory device. This is further reason for the allowability of claims 14, 21, and 30.

The citation to the Stiffler reference does not identify the features missing from Rozario. The Examiner cites column 1, lines 34-60 of Stiffler which are reproduced here for convenience:

> **The operating system software for many multi-tasking, multi-processor systems can execute on any of the processing elements in the system and may, in fact, execute on several processing elements at the same time. Since the operating system software typically allocates shared resources among the various system resources, a mechanism is needed to guarantee that the operating system software executing in several processing elements does not simultaneously attempt to use or modify the same shared resource from different processing elements.**
>
> **An illustration of this problem is provided by a typical procedure by which the operating system running in a processing element in a multi-processor system selects a new task for the processing element to execute. Conventionally, this procedure begins by a processing element reading "queue pointer" information from a shared memory element. From the queue pointer information, the processing element determines the location in memory of the identity information for the highest-priority task waiting to be executed. After the task identity information has been read from memory, the task is selected by the processing element for execution. The processing element then changes the queue pointer information in the shared memory element to point to the location of the identity information of the next highest-priority task on the queue of tasks waiting to be executed.**

Consider what is happening in the process described by this excerpt from Stiffler. Tasks for a processing element are kept in a queue. A new task is selected by using queue pointer information. The queue pointer information determines the location of the highest priority task.

This highest priority task is read from memory and selected for execution. The queue pointer information then shifts to the next lowest task. *There is no disclosure or suggestion that the just-read highest priority task remains in memory or is shifted to a next lower priority list.* Accordingly, these features are found in neither reference and claims 14, 21, and 30 are allowable over the cited art.

Claims 15-19, 22-26, and 31-32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rozario in view of Stiffler, and further in view of U.S. Patent No. 6,269,413 issued to Sherlock. The Sherlock patent does not remedy the deficiencies of the Rozario and Stiffler patents with respect to claims 14, 21, and 30. Accordingly, claims 15-19, 22-26, and 31-32 are allowable for at least the reason of their dependence from the allowable claims 14, 21, and 30.

Claims 28-29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rozario in view of Stiffler and further in view of the admitted prior art (APA) pages 1-2. Nothing in Applicants' background section remedies the deficiencies of the Rozario and Stiffler patents as compared to claims 14 and 21. Accordingly, claims 28 and 29 are allowable for at least the reason of their dependence from allowable claims 14 and 21. Furthermore, claims 28 and 29 are allowable on their own merits. There is no suggestion to combine the recited "retransmission task" limitation with the disclosures of Rozario and Stiffler. Rozario and Stiffler refer to scheduling of microprocessor tasks while the recited "retransmission task" refers to retransmission in the data communication sense. The art that is being combined is thus not analogous.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8694.

Respectfully submitted,

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